

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

WILLIAM L. KOVACS
SENIOR VICE PRESIDENT
ENVIRONMENT, TECHNOLOGY &
REGULATORY AFFAIRS

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5457

January 4, 2016

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and implementing regulations in Part 2 of Title 40 of the Code of Federal Regulations, the U.S. Chamber of Commerce ("Chamber") requests that the Environmental Protection Agency ("EPA") provide public access to the following records:

- 1) How EPA distributed the entire **\$228.2 million** appropriated to the agency for State and Local Air Quality Management Categorical Grants in FY2014 under Public Law 113-76 to state, local, or tribal governments (or other recipients).
- 2) How EPA distributed the entire **\$159.3 million** appropriated to the agency for Nonpoint Source (Clean Water Act §319) Categorical Grants in FY2014 under Public Law 113-76 to state, local, or tribal governments (or other recipients).
- 3) How EPA distributed the entire **\$230.8 million** appropriated to the agency for Pollution Control (Clean Water Act §106) Categorical Grants in FY2014 under Public Law 113-76 to state, local, or tribal governments (or other recipients).
- 4) How EPA distributed the entire **\$213.0 million** appropriated to the agency for Other Activities Categorical Grants in FY2014 under Public Law 113-76 to state, local, or tribal governments (or other recipients).

Please provide the complete list of disbursements for each appropriated amount made under all of the aforementioned programs accounting for the full amount of the listed appropriations.

If the EPA maintains a database of such grants which includes all of the specific grant information requested above, production to the Chamber of such a database may substitute for the request for copies of such documentation.

Please search for responsive records regardless of format, medium, or physical characteristics. Please produce records electronically in Microsoft Excel format. Please organize and identify records by the respective law under which notices were made.

If you believe that any portion of the requested records is exempt from disclosure, the Chamber requests that you provide it with an index of those documents, as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1972). A *Vaughn* index should describe each document claimed as exempt with sufficient specificity under a precisely identified statutory exemption so as “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the *Vaughn* index must “describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” *King v. Department of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987). *See also Kimberlin v. Department of Justice*, 139 F.3d 944, 949-50 (D.C. Cir. 1998).

If you believe that some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt portions of records and that those non-exempt portions are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed through the document. *Mead Data Central v. Department of the Air Force*, 455 F.3d 242, 262 (D.C. Cir. 1977). Claims of non-segregability should be made with the same detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

If you take the position that certain records or portions thereof are not required to be disclosed, we ask that you nonetheless consider disclosing the records on a discretionary basis. Doing so would be consistent with Attorney General Holder’s March 19, 2009 FOIA guidance to federal agencies, since that guidance counsels use of a presumption of openness. Moreover, President Obama’s January 21, 2009 memoranda commit the Administration to an unparalleled level of transparency and accountability. *See* Memorandum on Transparency and Open Government, 74 Fed. Reg. 4685 (Jan. 26, 2009).

William L. Kovacs

January 4, 2016

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I would be glad to discuss any aspect of this request with you to expedite your response. In addition, please contact me at once if any further steps are required to clarify any aspect of this request for records to expedite the response.

Pursuant to the Freedom of Information Act, the Chamber agrees to pay or pre-pay reasonable charges incurred to search for and copy these documents, upon presentation of an invoice with the finished copies. If any such search and copying fees exceed \$1,000, please telephone me in advance at (202) 463-5457 for agreement to such charges. If you have any questions about the request please contact Joseph Johnson on my staff at (202) 463-3165 or jjohnson@uschamber.com.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Kovacs". The signature is fluid and cursive, with the first name "William" being the most prominent part.

William L. Kovacs